

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.011, F.S.; providing that the personal identifying
 4 information of a witness to a murder remains
 5 confidential and exempt for a specified period when
 6 given to a person who is arrested; amending s.
 7 119.071, F.S.; providing an exemption from public
 8 records requirements for criminal intelligence or
 9 criminal investigative information that reveals the
 10 personal identifying information of a witness to a
 11 murder for a specified period; authorizing specified
 12 entities to receive the information; providing for
 13 future legislative review and repeal of the exemption;
 14 amending s. 119.0714, F.S.; providing that the public
 15 records exemption applies to personal identifying
 16 information of a witness to a murder that is made part
 17 of a court file; providing a statement of public
 18 necessity; providing an effective date.

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 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Paragraph (c) of subsection (3) of section
 23 119.011, Florida Statutes, is amended to read:
 24 119.011 Definitions.—As used in this chapter, the term:
 25 (3)

26 (c) "Criminal intelligence information" and "criminal
27 investigative information" shall not include:

28 1. The time, date, location, and nature of a reported
29 crime.

30 2. The name, sex, age, and address of a person arrested or
31 of the victim of a crime except as provided in s. 119.071(2)(h).

32 3. The time, date, and location of the incident and of the
33 arrest.

34 4. The crime charged.

35 5. Documents given or required by law or agency rule to be
36 given to the person arrested, except as provided in s.

37 119.071(2)(h) or (2)(m), and, except that the court in a
38 criminal case may order that certain information required by law

39 or agency rule to be given to the person arrested be maintained
40 in a confidential manner and exempt from the provisions of s.

41 119.07(1) until released at trial if it is found that the
42 release of such information would:

43 a. Be defamatory to the good name of a victim or witness
44 or would jeopardize the safety of such victim or witness; and

45 b. Impair the ability of a state attorney to locate or
46 prosecute a codefendant.

47 6. Informations and indictments except as provided in s.
48 905.26.

49 Section 2. Paragraph (m) is added to subsection (2) of
50 section 119.071, Florida Statutes, to read:

51 119.071 General exemptions from inspection or copying of
 52 public records.—

53 (2) AGENCY INVESTIGATIONS.—

54 (m)1. Criminal intelligence information or criminal
 55 investigative information that reveals the personal identifying
 56 information of a witness to a murder, as described in s. 782.04,
 57 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 58 I of the State Constitution for 2 years after the date on which
 59 the murder is observed by the witness. A criminal justice agency
 60 may disclose such information:

61 a. In the furtherance of its official duties and
 62 responsibilities.

63 b. To assist in locating or identifying the witness if
 64 the agency believes the witness to be missing or endangered.

65 c. To another governmental agency for use in the
 66 performance of its official duties and responsibilities.

67 2. This paragraph is subject to the Open Government Sunset
 68 Review Act in accordance with s. 119.15 and shall stand repealed
 69 on October 2, 2022, unless reviewed and saved from repeal
 70 through reenactment by the Legislature.

71 Section 3. Paragraph (h) of subsection (1) of section
 72 119.0714, Florida Statutes, is amended to read:

73 119.0714 Court files; court records; official records.—

74 (1) COURT FILES.—Nothing in this chapter shall be
 75 construed to exempt from s. 119.07(1) a public record that was

76 | made a part of a court file and that is not specifically closed
 77 | by order of court, except:

78 | (h) Criminal intelligence information or criminal
 79 | investigative information that is confidential and exempt as
 80 | provided in s. 119.071(2) (h) or (2) (m).

81 | Section 4. The Legislature finds that it is a public
 82 | necessity that personal identifying information of a witness to
 83 | a murder, as described in s. 782.04, Florida Statutes, be made
 84 | confidential and exempt from s. 119.07(1), Florida Statutes, and
 85 | s. 24(a), Article I of the State Constitution for 2 years after
 86 | the date on which the murder is observed by the witness. The
 87 | judicial system cannot function without the participation of
 88 | witnesses. Complete cooperation and truthful testimony of
 89 | witnesses is essential to the determination of the facts of a
 90 | case. The public disclosure of personal identifying information
 91 | of a witness to a murder could have an undesirable chilling
 92 | effect on witnesses stepping forward and providing their
 93 | eyewitness accounts of murders. A witness to a murder may be
 94 | unwilling to cooperate fully with law enforcement officers if
 95 | the witness knows his or her personal identifying information
 96 | can be made publicly available. A witness may be less likely to
 97 | call a law enforcement officer and report a murder if his or her
 98 | personal identifying information is made available in connection
 99 | with the murder that is being reported or under investigation.
 100 | The Legislature further finds that a witness could become the

101 subject of intimidation tactics or threats by the perpetrator of
102 the murder if the witness's personal identifying information is
103 publicly available. For these reasons, the Legislature finds
104 that it is a public necessity that the personal identifying
105 information of a witness to a murder, as described in s. 782.04,
106 Florida Statutes, be made confidential and exempt from public
107 record requirements.

108 Section 5. This act shall take effect July 1, 2017.